

**PLANNING AND ZONING BOARD
FEBRUARY 12, 2003**

1. ROLL CALL

The meeting was called to order at 7:00 p.m. Board members present were Chair George Greb, Vice-Chair Mike Bender (departed 8:03 p.m.), Casey Lee, Mimi Turin and Bob Waitkus. Also present were Town Attorney Monroe Kiar, Planner Marcie Nolan and Board Secretary Janet Gale recording the meeting.

2. APPROVAL OF MINUTES: January 22, 2003

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to approve the minutes of January 22, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. PUBLIC HEARINGS

Special Permit

3.8 SE 9-1-02, Verizon Wireless/Crown Castle Communications, 15400 Slydgemill Road (U) **(tabled from January 8, 2003) (Withdrawn by Petitioner)**

Chair Greb announced that this item had been withdrawn.

Rezoning

3.1 ZB 12-3-02, Town of Davie, 14501 Orange Drive (from A-1 to SC) **(tabled from January 8, 2003) (Staff requesting to be tabled)**

Ms. Nolan, representing the petitioner, explained why staff requested a tabling to March 12, 2003.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to table to March 12, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3.2 ZB 12-4-02, Town of Davie, 14901 Orange Drive (from A-1 to B-2) **(tabled from January 8, 2003) (Staff requesting to be tabled)**

Ms. Nolan, representing the petitioner, explained that the request to table this item to March 12, 2003, was for the same reason as stated for the previous item.

Vice-Chair Bender made a motion, seconded by Mr. Waitkus, to table to March 12, 2003. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3.3 ZB 9-1-02, Calvin Giordano & Associates/BG Pine Island Corp., and 77 Acres Trust, northwest corner of Orange Drive and Pine Island Road (from B-2 to RM-10)

Stephanie Toothaker-Walker and Whitt Holden, representing the petitioner, were present. Ms. Nolan summarized the planning report. Ms. Toothaker-Walker indicated that the rezoning request was subject to a letter of agreement between the developer and the Westridge Homeowner's Association. She advised that the attorney representing the association was Lloyd Procton who was present for this presentation.

Using several graphics, Ms. Toothaker-Walker specified the 9.99 acre area which was being requested to be rezoned to RM-10 for a townhouse development. There ensued considerable discussion regarding the gas station location which abutted the residences. It was the consensus of the Board that this factor was not good planning.

Chair Greb asked if anyone wished to speak for or against this item.

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Mr. Procton spoke in favor of the rezoning. He explained that the homeowner's association to the north of the site encouraged the proposed site plan as well as a letter of agreement between the two developments.

As there were no other speakers, Chair Greb closed the public hearing.

Discussion resumed and Mr. Kiar clarified that this issue before the Board regarded only the rezoning of the 9.9 acre parcel from B-2 to RM-10.

Ms. Lee made a motion, seconded by Vice-Chair Bender, to approve for a rezoning only to RM-10. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

3.4 ZB 12-2-02, Town of Davie, 4703 SW 148 Avenue (from PUD, County to B-3)

Ms. Nolan indicated that she would be representing the petitioner and proceeded to read the planning report. She explained the intent of the rezoning and opined that it was appropriate to have the Town's designation rather than Broward County's for the purpose of enforcing the Town's regulations, landscape requirements and ordinances. The Board's concerns were regarding the lack of distance between automobile dealerships and where the test driving would be done.

Chair Greb asked if anyone wished to speak for or against this item.

Jim Harris, 15117 SW 51 Street, expressed concern about the impact of increased traffic and access on Palomino Drive.

Carolina Oliveto, and Steven Davis, 14957 SW 50 Court, spoke in opposition with their concerns being access to the dealerships, noise pollution and the appearance of parking garages. Ms. Nolan clarified that the car dealerships were proposed to be dead-end culdesacs with no connectivity between the two uses.

Mr. Waitkus made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – yes; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 5-0)**

3.5 ZB 12-5-02, Town of Davie, 4751 SW 30 Street (from M-4, County to M-3)

Ms. Nolan stated that she was representing the Town and she read the planning report.

She explained that the intent of the rezoning was to unify the districts under the Town's Land Use Plan and regulations.

Chair Greb asked if anyone wished to speak for or against this item.

Dick Coker indicated that he recently purchased the subject property and explained why the rezoning was inappropriate for this site. He demonstrated how the rezoning would affect his property and that it would not be able to be used for the purpose for which it was intended. Mr. Coker pointed out that because of the configuration of the property, should the rezoning change, it would cause a reduction in value of 75% or greater.

Collins Forman, 1523 SE 3 Avenue, indicated that he represented the Forman property owners located to the south of the subject site. He advised that the Formans would prefer that the use of the property remain M-4 and distributed copies of a Final Judgment which provided access to his property through Mr. Coker's property.

A lengthy discussion ensued regarding the repercussions of changing the permitted uses through rezonings when the intentions of the property owner was to develop the property in another way under the current uses.

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Ms. Lee made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

Variances

3.6 V 11-1-02, Garcia, 9060 Lake Park Circle (PRD) (tabled from January 22, 2003)

Cesar Garcia, representing the petitioner, was present. Ms. Nolan summarized the planning report and subsequent research for the Final Order from the Special Master hearing as well as the staff approved permit. The board reviewed the documentation.

Chair Greb asked if anyone wished to speak for or against this item. As no one spoke, the public hearing was closed.

Ms. Nolan read a letter from Judy Nissan, 9031 Lake Park Circle, dated January 20, 2003, in which Ms. Nissan indicated that she had no objection to this variance request.

Mr. Garcia reiterated the circumstances from his perspective and answered questions posed by the Board.

Ms. Turin made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – no; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 3-1)**

3.7 V 10-3-02, Calvin, Giordano & Associates/ The 77 Acres Trust and BG Pine Island Corp, northwest corner of Pine Island Road and Orange Drive (B-2)

Stephanie Toothaker-Walker and Hoyt Holden, representing the petitioner, were present. Ms. Nolan read the planning report.

Ms. Toothaker-Walker provided a presentation for a better understanding of the variance requests. Board members asked a series of questions regarding each of the five variances and specific attention was devoted to the turning radiuses for the gas station, the required separation between gas stations and the required distance from the gas station to the residential property.

Chair Greb asked if anyone wished to speak for or against this item.

David Zith, 4450 S Pine Island Road, spoke in opposition of the variance because of the distance between gas stations.

Lloyd Procton spoke in favor of the variances regarding the residential property to the north.

Mary Mottram, 4260 SW 87 Terrace, supported the variances regarding the eight foot wall.

As there were no other speakers, the public hearing was closed.

After some discussion, it was the consensus of the Board to vote on each variance separately.

1) Section 12-33(O), to increase the height of the wall to eight feet.

Mr. Waitkus made a motion, seconded by Ms. Lee, to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

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2) Section 12-82(H)(J), to reduce the required setback to 30 feet along the north property line.

Ms. Lee made a motion, seconded by Mr. Waitkus to approve. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

3) Section 12-34(Y)(2), to reduce the distance separation between service stations to 110 feet, and between residential uses to zero (0) feet.

Ms. Lee made a motion, seconded by Ms. Turin, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

4) Section 12-34(Y)(4), to reduce the required distance to eight (8) feet.

Ms. Lee made a motion, seconded by Mr. Waitkus, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – yes. **(Motion carried 4-0)**

5) Section 12-83, to reduce the required lot frontage to 165 feet.

Ms. Lee made a motion, seconded by Ms. Turin, to deny. In a roll call vote, the vote was as follows: Chair Greb – yes; Vice-Chair Bender – absent; Ms. Lee – yes; Ms. Turin – yes; Mr. Waitkus – no. **(Motion carried 3-1)**

4. OLD BUSINESS

Chair Greb reiterated the significance of a recommendation made by this Board to regulate the distance between automobile dealerships. Ms. Nolan advised that this issue would be discussed by Council on March 19th.

5. NEW BUSINESS

There was no new business discussed.

6. COMMENTS AND/OR SUGGESTIONS

There were no comments and/or suggestions made.

7. ADJOURNMENT

There being no further business and no objections, the meeting was adjourned at 9:40 p.m.

Date Approved _____

Chair/Board Member